

1 BARRY J. PORTMAN
2 Federal Public Defender
3 JOSH COHEN
4 Assistant Federal Public Defender
5 19th Floor Federal Building
6 450 Golden Gate Avenue
7 San Francisco, CA 94102
8 (415) 436-7700

9 Counsel for Defendant TOBIAS

10

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13
14 UNITED STATES OF AMERICA,) No. CR-05-0611 WHA
15 v.)
16 CHARLES DEWEY TOBIAS,)
17 Plaintiff,) **STIPULATION AND [PROPOSED]**
18) **ORDER VACATING RESTITUTION**
19) **HEARING AND SETTING**
20) **RESTITUTION AMOUNT**
21)
22)
23)
24)
25)
26)

On January 23, 2006, the parties in this matter appeared before the Court for sentencing. The Court imposed sentence on Mr. Tobias and scheduled a hearing to address the issue of restitution on March 6, 2007.

The parties having reached an agreement concerning restitution, it is hereby agreed and stipulated that the restitution hearing presently scheduled for March 6, 2007 should be vacated. It is further agreed and stipulated that the Court should order that Mr. Tobias pay restitution in the amount of \$1,500 to each of the 40 individuals identified in *Exhibit A*, for a total of \$60,000. The parties agree and stipulate that Mr. Tobias shall make monthly payments toward this obligation in an amount to be determined by United States Probation, but in no event less than \$200 per month, and that the first payment shall be due 60 days after Mr. Tobias is released from

1 the custody of the Bureau of Prisons. The parties agree and stipulate that no interest shall accrue
2 on the restitution balance unless and until the defendant fails to make regular and timely monthly
3 payments as directed by the Court.

4 IT IS SO STIPULATED.

5 Dated: _____ /S _____
6 BARRY J. PORTMAN
7 Federal Public Defender
8 JOSH COHEN
9 Assistant Federal Public Defender

10 Dated: _____ /S _____
11 SCOTT N. SCHOOLS
12 United States Attorney
13 JAMES KELLER
14 Assistant United States Attorney

12 ORDER

13 Accordingly, and for good cause shown, the Court orders that the restitution hearing in
14 this matter presently scheduled for March 6, 2007 is vacated.

15 The Court further orders that, pursuant to the agreement reached by the parties and for
16 good cause shown, defendant Charles Dewey Tobias, against whom judgment was entered on
17 January 23, 2007, shall pay restitution in the amount of \$1,500 to each of the individuals
18 identified in *Exhibit A* to this Stipulation and Order, for a total of \$60,000. Said restitution is due
19 and payable immediately. The defendant shall make monthly payments toward this obligation in
20 an amount to be determined by United States Probation based on the defendant's ability to pay,
21 but in no event less than \$200 per month. Payments shall be made to the Clerk of the Court,
22 United States District Court, 450 Golden Gate Ave., San Francisco, CA 94102, and shall
23 commence 60 days after the defendant is released from the custody of the Bureau of Prisons after
24 serving the sentence imposed in this matter. No interest shall accrue as long as the defendant
25 makes regular and timely monthly payments in compliance with the terms of this Order. The
26 defendant shall be required to pay interest on any outstanding restitution balance in the event he

1 fails to make regular and timely monthly payments in compliance with the term of this Order.

2 An amended Judgment reflecting this Order shall issue forthwith.

3 IT IS SO ORDERED.

4 Dated: March 5, 2007

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
IT IS SO ORDERED
WILLIAM H. ALSUP
Judge William Alsup